IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 529 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SULEMAN ABDUL PINJARA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 529 of 2001

MR LR PATHAN for Petitioner No. 1-6

MR IM PANDYA for Respondent No. 1

MR MM TIRMIZI for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 25/07/2002

ORAL JUDGEMENT

This revision application under Section 397 and 401 of the Criminal Procedure Code is filed to question the legality of the judgement and order of the learned Sessions Judge, Kuchchh, in Criminal Revision Application No.14 of 2000 wherein, at the instance of the original complainant, the learned Sessions Judge directed to frame charge against the accused for the offence under Section 326 read with 149 of the Indian Penal Code along with other charges already framed against the accused in Criminal Case No.343 of 1993, which is pending before the learned JMFC, Mandvi. After perusing the material on record it was found and it was fairly conceded that, according to the allegations, sticks were used in inflicting the injuries, which resulted into multiple fractures and prolonged hospitalisation and treatment of the victim. In these circumstances and following the ratio of the judgement of this Court in VITHALBHAI NAGARBHAI PATEL V. STATE OF GUJARAT 1989(1) GLR 262, the learned Sessions Judge has made the impugned order. No illegality or irregularity could be pointed out in the impugned order and there is no question of any failure of justice insofar as the offences for which the accused are charged are required to be established by evidence. Therefore, in short, there is no substance in this application and therefore the revision application is rejected. Rule is discharged with no order as to costs.

(D.H.Waghela, J.)

(mohd)